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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE: BEXTRA AND CELEBREX  
MARKETING SALES PRACTICES,  
AND PRODUCT LIABILITY  
LITIGATION

**17 This Document Relates To:**

18                   Lorenzo S. and Sarah Black, et. al., vs.  
19                   Pfizer, Inc.,..  
MDL No. 06-2887: Plaintiff Donald R.  
Smith

| Case No. M:05-CV-01699-CRB

MDL NO. 1699

**STIPULATION AND ORDER OF DISMISSAL  
WITH PREJUDICE**

Come now the Plaintiffs, Donald R. Smith, and Defendant, Pfizer Inc., by and through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a), and hereby

1 stipulate to the dismissal with prejudice of Plaintiffs, **Donald R. Smith**'s action only, with each  
2 side bearing its own attorneys' fees and costs.  
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6 Dated: \_\_\_\_\_, 2009  
7  
8

9 By:   
10 Jayne Conroy  
11  
12

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27  
28 *Counsel for Plaintiff.*

29 Dated: March 11, 2009  
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31

32 By:   
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39  
40 *Counsel for Defendant Pfizer, Inc.*

41 **PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION,**  
42 **IT IS SO ORDERED.**

43 Dated: March 30, 2009  
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45

46 By:   
47 United States District Court